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THE INTERSTATE RECRUITMENT OF AGRICULTURAL WORKERS

I

The Agricultural Workers Organizing Committee, AFL-CIO, speaks on behalf of the people who will be most directly affected by regulations concerning the interstate recruitment of farm laborers. The AWOC speaks on behalf of farm laborers themselves.

We have no particular affection for the state of migrancy which is implicit in any interstate recruitment program. Indeed, we regard migrancy as one of the more painful symptoms of present disorder in the farm labor market, and we view its eventual extirpation as one of the more desirable consequences which will flow from the organization of farm labor.

But we have even less affection for the alternative to interstate recruitment which has grown through the past eight or ten years. The following statistics bespeak this alternative more eloquently than prose:

SEASONAL FARM WORKERS EMPLOYED
ON CALIFORNIA FARMS, OCTOBER, 1949, AND OCTOBER, 1956

Type of Workers	October, 1949	October, 1956	Percent change, 1949 to 1956
Domestic, local	150,000	125,000	- 16.7
Domestic, nonlocal	109,000	42,800	- 60.7
Foreign contract (Mexican)	4,000	92,000	+ 2,200.0

SOURCE: State of California, Department of Employment, Farm Placement Service, Annual Farm Labor Report, 1950, p. 33; Annual Farm Labor Report, 1956, p.18.

We have very little affection for a system which displaces American citizens, which destroys labor standards, and, in the process, corrupts the laws of the land.

We believe the significance of the Department of Labor's hearings, September 10 - 11, goes far deeper than the specifics of the regulations which are proposed. We regard these hearings as a landmark which, if permitted, could rise to guide and inspire pioneers for years to come. We earnestly hope that the Department of Labor will resist the efforts of selfish interests to reduce this landmark to rubble. We consider these hearings significant for the following reasons:

(1) Substance is being given to the policy of the U. S. Employment Service that it will not honor substandard job orders.

(2) Substance is being given to the vague and almost meaningless reference to "reasonable (recruitment) efforts" which are supposedly a precondition to the employment of alien contract laborers.

(3) The U. S. Government is, in effect, saying, "Agencies of State and Federal Government shall no longer be used as vehicles for the erosion of American working standards."

(4) The U. S. Government is attempting to reverse the alien labor tide which has been running for eight years and which, if unchecked, threatens to sweep away those American citizens who still remain in the seasonal farm labor market.

(5) The U. S. Government is, in effect, saying to agriculture, "As an American industry, you are expected to adhere to American standards. The standards of the underdeveloped countries of the world will no longer be accepted in this country."

<u>There must be no retreat from these principles and purposes.</u>

We wish to assist in building a landmark which will endure. We are therefore offering for the record a point-by-point analysis of the Labor Department's proposed new regulations, noting these areas in which the regulations seem to us adequate to their worthy task, and noting those areas in which they will require modification if they are to succeed.

II

The first provision of the Secretary's suggested new regulations reads, "No order for recruitment of agricultural workers shall be placed into interstate clearance unless there are assurances from the State Agency that the State agency has established that such workers are not available locally or within the State."

In other words, the Farm Placement Service of California (for example) is required to try to fill tomato-picking jobs in San Joaquin County (for example) with local workers first, with non-local but intrastate workers second, and only then with out-of-state workers.

This is a reasonable suggestion. No one, least of all the Agricultural Workers Organizing Committee, advocates the interstate movement of farm workers any more than is absolutely necessary. We wish, however, to raise one or two questions with regard to the seeming truism embodied in the proposed Section 602.9 (a).

We note, first, that the Employment Security Manual which guides the operation of State and Federal employment agencies already contains the following provision: "Job openings should be extended by the order-holding office only when ....an adequate supply of qualified applicants cannot be obtained within the area served by a local office." Proposed Section 602.9 (a), then, is simply a rephrasing of Employment Security Regulation 2536.

We would point out, secondly, that proposed Section 602.9 (a), like existing Regulation 2536, can be no more meaningful than the procedures established by Federal or State agencies to determine the availability of workers "locally or within the State." It is our carefully considered judgment that the machinery currently in operation for ascertaining the availability of farm workers is inept almost beyond belief. Let us see how this machinery operates within the framework of a statute already on the books: Public Law 78.

Public Law 78 states very clearly that no foreign workers shall be recruited until the Secretary of Labor has "determined and certified" that local workers are unavailable. Furthermore, Public Law 78 states very clearly that the Secretary of Labor shall make arrangements for consultation with agricultural workers "for the purpose of obtaining facts relevant to the supply of domestic farm workers."

No such arrangement seems to have been made in the history of the bracero program in California. We have repeatedly asked Farm Placement Representatives in California to identify the farm workers with whom they had consulted in carrying out the provisions of Public Law 78. Officially, we have never received an answer. Unofficially, we have received the admission that such consultations have never been held. In a recent meeting with representatives of the Farm Placement Service, we were told by a high official, "Why should we go out and talk with workers to learn there is a shortage? We know when they are available and when they are unavailable from the number who show up at our office on Commerce Street."

This statement by a high government official reveals with shocking clarity, the internal decay of the present system -- or lack of system -- in farm labor recruitment and placement. The "office on Commerce Street"

is located in the center of one of the State's most dismaying Skid Rows. A self-respecting person who desires seasonal farm employment in this particular area (one of the wealthiest agricultural counties in the country), must go to Commerce Street between 3:00 and 4:00 a.m., and mingle with alcoholics and cut purses as a precondition of employment. The atmosphere is compounded of muscatel, vomit, foul language, and hopelessness. Many other farm labor offices in California are maintained in similar environments.

The same official of the Farm Placement Service quoted a moment ago also has told us, "We put the offices where the workers are." We of the Agricultural Workers Organizing Committee submit that this attitude reveals a surprising ignorance of social and economic forces. The location of offices may be influenced by workers, but it is even more true that workers are influenced by the location of the offices. The Farm Placement Service has, in effect, lent itself to the demoralization and degeneration of the entire farm labor market. The process was begun by farm employers, through the substandard wages and working conditions they offered. The process has been all but completed by government agencies which have tacitly accepted the proposition that farm labor is degrading and not for self-respecting people.

We should like to note another aspect of the existing recruitment and placement machinery which bears vitally upon the general point we are trying to make. We recently asked a high official of the California State Department of Employment whether the Department's calculations of the availability of domestic farm workers take into account the differences between the seasonal labor demands of different areas in the State. We asked, for example, whether the Department's expectations regarding domestic tomato pickers in San Joaquin County take into account the fact that there are some thousands of experienced tomato pickers in the Imperial and Coachella Valleys who are in the depths of an agricultural slack season at the very time the San Joaquin tomato harvest is at its peak. Our State official said, "No." He added, astonishingly, "We only file job orders out-of-area upon the request of the grower.

Evidence such as this permits only one conclusion: provisions for ascertaining the availability or non-availability of local and intrastate seasonal workers are inadequate to the point of farce.

WE OF THE AGRICULTURAL WORKERS ORGANIZING COMMITTEE, AFL-CIO, THEREFORE URGE AN AMENDMENT TO SECTION (a) OF THE SECRETARY OF LABOR'S PROPOSED REGULATIONS. THIS AMENDMENT SHOULD SET FORTH THE STEPS REQUIRED IN THE VALID ASSESSMENT OF THE AVAILABILITY OR NON-AVAILABILITY OF LOCAL AND INTRASTATE FARM WORKERS.[1]

1. Merely to cite one elementary method of assessment which has never been employed by growers or government agencies, the AWOC recently conducted a household survey of potential farm workers in San Joaquin County. In 184 households, 223 persons were found who said they would be available for tomato picking at $1.25 per hour or the piece-rate equivalent.

III

The Secretary's proposed Section 602.9 (b) reads as follows:

> No order for recruitment of agricultural workers shall be placed into interstate clearance unless there are assurances from the State Agency that ...(it) has compiled and examined data on the estimated crop acreage, yield, and other production factors in accordance with procedures established by the Bureau of Employment Security...to assure the validity of need and the minimum number of workers required.

Almost exactly the same things may be said about this proposal as were said about Section 602.9 (a).

In the first place, this is practically a verbatim restatement of a regulation which, in theory, at least, already has full force and effect in the operations of public employment offices.

In the second place, we have the very gravest doubts as to the adequacy of existing methods for the determination of "the minimum number of workers required." Insofar as we have been able to determine, the only persons consulted regarding labor needs are growers. War, it is said, is too serious a matter to be left to the generals. Just so, farm labor needs are too serious to be left to farm employers. To put the matter delicately, growers are not always totally reliable in their estimates of the number of workers required. Illustrative of this point is the following statement by a representative of the Texas Employment Commission before the Tolan Committee on Interstate Migration.

> A long distance telephone call was received stating that farmers in the (Brownsville district) were in need of 2,000 cotton pickers. An employee was hurried to the scene of the alarming shortage. He conferred with his informant and asked the names of growers who were most in need, and was told that every farmer in that trade territory was seriously in need of labor. Unable to secure any specific information as to labor demand, a thorough survey of the labor situation in the community was made immediately. All of the principal growers were contacted and every gin rumor was run down. The result was bona fide orders for only 85 cotton pickers.

The witness on this occasion spoke of "the hysteria which generates... during a cotton-picking season." This nervous disorder is even more marked when the commodity involved is, let us say, peaches rather than cotton. The overwhelming tendency is to call for more workers than can be fully employed.

To understand the growers' desire for a labor surplus, we must

understand, among other things, the crucial role of the piece-rate method of payment. If agricultural workers were employed on the same basis as workers in every other industry, it would be uneconomic for a grower to employ 50 pickers when there was a full day's work for only 15 or 20. Other industries have "reporting pay" provisions and other workers' guarantees and protections which are an incentive to employers to use their labor force efficiently. There are no such protections to workers and no such incentives to employers in agriculture. Under the piece-rate system, the "labor costs" of the grower are exactly the same whether he uses 100 men for an hour, 50 men for half a day, or 10 men all day. In the grip of the hysteria mentioned above, hardly any growers estimate their labor needs at the minimum which is actually required.

It is true that, for the purposes of the Mexican National program, growers' labor demands are "examined" by the Farm Placement Service and Bureau of Employment Security. This ritual is often meaningless. A supervisor of Labor Department compliance officers said last April:

> If you're a grower, the chances are that all you have to do is call the Farm Placement Service and say, "I'm going to need 100 braceros," and you'll get them. I'll tell you what will happen. Your call will be taken by a Farm Placement Representative doing just what I'm doing now -- sitting back with his feet on his desk. He may ask you how many acres you've got, and a few things like that, but he'll never come out to look at your place. He won't have the vaguest idea of whether you have young trees or old trees, big trees or small trees, or whether you have a heavy crop, an average crop, or a light crop. He'll send the figures to Sacramento, where they know even less about your operation than the local representative does. From then on, it's strictly a rubber stamp operation. Sacramento sends your request to San Francisco. San Francisco sends it to Washington. Now, what the hell does Washington know about your ranch or your crop? As I say, the chances are that you'll end up getting your 100 braceros.

Many sorts of evidence may be adduced to demonstrate that the Farm Placement Service routinely overestimates the number of workers required, acting as it does largely on the basis of growers' claims. During a so-called "critical labor shortage" in the Stanislaus County peach harvest this year, for example, scores of cases such as the following came to the attention of the Agricultural Workers Organizing Committee:

> A couple of days ago, I went out with a labor contractor. We started picking peaches about 6:00 a.m. By 10:00, we had run out of fruit to pick. We sat around until 1:00 to get paid, but four hours is all we were able to work. Then, this morning, I went out with another contractor, down to Stanislaus County. We only worked three and a half hours when the owner came around and told us to stop picking for the day.

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This morning, there were between 200 and 300 men left standing outside the Farm Labor office in Modesto after all the trucks had gone out. I was there; I saw them; I talked to them. They were good men -- experienced peach pickers. They had come because they had heard there was work.

Another demonstration of overestimated labor needs may be read between the lines of the Farm Placement Service's own data. In calculating "labor requirements" in the Stanislaus County peach harvest, for example, the Service assumes an average output per man-day of .9 tons. At 40 pounds to the box (and we have reason to believe that many boxes weigh more), the assumed productivity is 45 boxes per worker per eight-hour day. Competent peach-pickers actually average nearly twice that rate. The AWOC staff interviewed 215 peach pickers in five counties during the 1959 season. Among the questions was, "About how many boxes per day can you pick during an average season?" The mean of the responses was 84.1 boxes.

Similarly, Farm Placement Service estimates of labor needs in the Merced County canning tomato harvest rest upon an assumption of .6 tons out put per man-day. At 50 pounds to the box (and the previous parenthetical remark still applies), assumed productivity is 24 boxes per day. This is a very interesting assumption from several standpoints. For one thing, it gives official sanction to average daily earnings of less than $3.00, since the Farm Placement Service has certified a "prevailing rate" of 12¢ a box in the Merced County tomato harvest. Even more to the point of the present discussion, however, is the fact that the official estimates of worker productivity are far below any reasonable level. An average worker can pick approximately 75 boxes of tomatoes per day in an average field.

The Farm Placement Service productivity estimates have had a number of significant results. They have given the State's blessing to the practice of importing far more braceros than needed and giving them barely enough work to cover their compulsory deductions. The Farm Placement Service has evidently followed the curious custom of working backward from the number of Nationals certified -- dividing this number into total production, and assuming quite gratuitously and quite erroneously that each bracero worked 40 hours per week.

This Alice-in-Wonderland procedure, upon which "labor needs" are estimated, has provided a statistical justification for flooding the State with foreign and other types of "supplemental" labor. The character of this supplemental labor is such that some of the estimates of the Farm Placement Service have, in the course of time, tended to become semi-validated. Supplemental labor -- which, as the term is presently used, is only a euphemism for captive labor -- is traditionally inefficient labor. Perhaps some Mexican Nationals, who have never before seen a peach orchard or tomato field, perform at the pathetic pace certified by the Farm Placement Service as "average". But this, we submit, is a total corruption of the

meaning of "validity of need" and "minimum number of workers required," and reduces the data-gathering function of the Farm Placement Service to a transmission belt for braceros -- and more braceros. One of the results of this process -- governmental guarantee of an oversupply of labor -- has, of course, been an adverse effect upon wages and working conditions.

The only proper procedure for determining labor needs must rest upon knowledge of the productivity of competent domestic workers. Neither the Secretary of Labor nor his agents will come into such knowledge until they begin to consult with such workers.

> WE OF THE AGRICULTURAL WORKERS ORGANIZING COMMITTEE THEREFORE URGE AN AMENDMENT TO SECTION (b) OF THE SECRETARY OF LABOR'S PROPOSED REGULATIONS. THIS AMENDMENT SHOULD INCLUDE DETAILED PROVISIONS FOR THE VALID ASSESSMENT OF FARM LABOR NEEDS. THESE PROVISIONS SHOULD INCLUDE SURVEYS OF PRODUCTIVITY AMONG QUALIFIED DOMESTIC AGRICULTURAL LABORERS WORKING UNDER AVERAGE CONDITIONS.

IV

Section 602.9 (c) of the proposed regulations would require State agencies to ascertain "that wages offered (in interstate clearances) are not less than the wages prevailing in the area of employment for local workers similarly employed and not less than those prevailing in the area of employment among employers employing domestic workers recruited outside the State." (Italics added.)

The Federal Register presently contains the following regulation (20 CFR, 602.9 (b) (3)):

> ....wages offered (in interstate clearance shall be) not less than the prevailing wage rates paid in the area to agricultural workers who are similarly employed.

The Secretary's new proposal, so far as we can see, adds nothing to the present language, and takes something away which could be very important if it were interpreted and enforced properly The regulation presently in effect makes the standard "agricultural workers who are similarly employed". The new regulation uses as a standard "local" or "domestic" workers. What has been omitted, then, is the Mexican National. It is a disgraceful commentary on the state of the farm labor market that underprotected and exploited alien contract laborers should be regarded as a standard for American citizens. But we must do just this, for American farm laborers enjoy even fewer protections. In the Lower Rio Grande Valley of Texas, for example, the government of Mexico insists that its citizens be paid 50¢ per hour. The government of the United States honors job orders offering American citizens 40¢ per hour.

An even more conspicuous example of the favored position of the Mexican National is the so-called 90-10 rule, which requires that piece rates shall be so adjusted that 90% of each National crew is able to earn the equivalent of the most common hourly rate in the area. In the San Joaquin County tomato harvest, for example, this rule (if enforced) would require the upward adjustment of piece rates in many fields. If this adjustment yielded a rate of, let us say, 16¢ a box for Mexican Nationals, we see no very good reason why American Nationals should be denied an equivalent rate -- whether they be locals or interstate migrants.

We wish, also, to point out that no regulation concerning "prevailing wages" can be one iota stronger than prevailing administrative procedures. All the evidence which we have ever been permitted to inspect drives us to the conclusion that "prevailing wage" determinations are a mockery. The most important determinations -- those under which Mexican Nationals are certified, and which usually serve as a wage ceiling throughout the season -- are made in advance of the harvest, when no wages are being paid at all. Growers' organizations are consulted concerning what they intend to pay, or would like to pay, and these data are solemnly certified by the majesty of the U. S. Government as "prevailing wages." If this fantastic process is preserved in the future, we suggest that in all justice workers should be consulted concerning what they would like to receive.

Wage surveys conducted after the season opens are little better than the surveys -- if such they may be called -- made before the season begins. A representative of the U. S. Department of Labor who had observed the system in operation in California for some years said,

> Wage surveys are opium dreams. Here's the most that will happen. A Farm Placement Representative will telephone one or two farmers he happens to know particularly well, and he'll say, "You got any peach pickers?" -- or whatever the crop happens to be. The farmer says, "Yeah." The Farm Placement Representative says, "What are you paying them?" Naturally, it's to the farmer's advantage to quote the lowest figure he can get away with. The guy from the Farm Placement Service never goes out to that orchard to see what is actually being paid. Maybe the farmer told him the truth. Maybe the farmer gave him a line. Maybe the farmer didn't even know what his contractor was paying the workers. But the figures are accepted as gospel truth. They become the prevailing wages you hear so much about.

This would be another area, then, in which corrections of the gross inadequacies of administrative procedure are much more badly needed than corrections in the Federal Register.

WE OF THE AGRICULTURAL WORKERS ORGANIZING COMMITTEE URGE AN AMENDMENT TO SECTION (c) OF THE SECRETARY'S PROPOSED REGULTIONS. THE FOLLOWING WORDING IS RECOMMENDED:

"...THAT WAGES OFFERED ARE NOT LESS THAN THE WAGES PREVAILING IN THE AREA OF EMPLOYMENT FOR WORKERS SIMILARLY EMPLOYED AND FOR WORKERS RECRUITED OUTSIDE THE STATE. WHERE NO OUT-OF-STATE WORKERS ARE EMPLOYED, WAGES OFFERED IN INTERSTATE CLEARANCES SHALL BE NOT LESS THAN THOSE IN THE NEAREST AREA OF EMPLOYMENT IN WHICH OUT-OF-STATE WORKERS HAVE BEEN SUCCESSFULLY RECRUITED."

WE OF THE AGRICULTURAL WORKERS ORGANIZING COMMITTEE ALSO RECOMMEND THAT NEW PROCEDURES FOR THE CONDUCT OF WAGE SURVEYS BE SPELLED OUT EITHER IN THE FEDERAL REGISTER OR IN EMPLOYMENT SECURITY PROGRAM LETTERS.

V

The proposed regulations would require the State agencies initiating interstate clearances to ascertain that

> ...housing and facilities (1) are available; (2) are hygienic and adequate to the climatic conditions of the area of employment; (3) are reasonably calculated to accomodate available domestic agricultural workers and (4) conform to the requirements of the applicable State, county or local housing and sanitary codes, or, in the absence of such applicable codes, have been determined by the State agency to be such as will not endanger the lives, health or safety of the workers. In making such determination the State agency shall give full consideration to the applicable recommendations of the President's Committee on Migratory Labor with respect to housing and related facilities.

Present regulations require the State agency to provide assurances that

> ...housing and facilities are available and will be, at the time of occupancy, hygienic and adequate to the climatic conditions of the area of employment.. The State agency will cooperate actively with designated State agencies responsible for conditions of housing and will make every effort to assure that housing and facilities offered workers meet minimum standards suggested by the United States Employment Service.

It appears that two features have been added in the proposed new regulation. To take the less important first, the State agency is now required to give "full consideration" to housing standards recommended by the President's Committee, in areas where there is no applicable State labor camp code. This includes most areas of the United States -- California being one of the few exceptions. The trouble is, of course, that "full consideration" is a phrase which may mean everything or nothing. We fear the latter is more likely than the former.

The only other change from existing regulations seems to lie in subsection (3). As we interpret this language, the State agency would honor interstate clearances for Imperial County, for example, only if there were sufficient farm labor housing to accomodate the domestic workers who would make themselves available if family housing were provided. This is a far-reaching proposal. If put into effect, it will reverse a tendency which has dominated California agriculture for at least eight years. To the extent that California agriculture has planned at all during this period, it has planned for a labor force of single males: preferably Mexican Nationals.

In a recent issue of the California Weekly Farm Labor Report, for example, only 11.7% of the State's 240 crop-area-activities reported family housing available. In such major agricultural counties as Imperial, Riverside, Los Angeles, Orange, San Diego, Santa Barbara, Ventura, Alameda, Contra Costa, Santa Clara, Santa Cruz, Sonoma, San Luis Obispo, San Joaquin, Stanislaus, Solano, Sacramento, and Yolo, no family housing at all was offered. Each of these counties, however, reported Mexican National camps available.

In this, as in a number of other respects, the emphasis upon foreign contract labor tends to become self-perpetuating and self-accelerating. A family which in former years journeyed from Southern California, let us say, to pick peaches in Stanislaus County or to pick apples in Sonoma County, now finds that the only housing available consists of hotels and motels which, of course, are prohibitively expensive at current farm wage levels.

Under existing policies, the Farm Placement Service not only tolerates the drift toward a single-male farm labor force, but actively encourages this drift. In many Farm Placement Offices in San Joaquin, Imperial, Los Angeles, San Bernardino, and other counties, all domestic applicants for agricultural employment are referred to bracero-using associations. This, serves, at the outset, to eliminate all women from the farm labor force in those areas. It eliminates, as well, all men except those who care to eat with braceros, sleep with braceros, and live with braceros. This, we dare say, is part of what John Carr, recent California Director of Employment, called the "deliberate horning away" of domestics by the Farm Placement Service.

WE OF THE AGRICULTURAL WORKERS ORGANIZING COMMITTEE, AFL-CIO, RECOMMEND THAT SECTION (d) OF THE SECRETARY OF LABOR'S PROPOSED REGULATIONS BE AMENDED BY RE-INSERTING THE FOLLOWING PROVISIONS WHICH APPEARED IN THE SECRETARY'S EARLIER DRAFTS: (1) HOUSING PROVIDED FOR FAMILIES MUST CONFORM TO THE STANDARDS DEVELOPED BY THE PRESIDENT'S COMMITTEE ON MIGRATORY LABOR IN STATES WHICH DO NOT HAVE LABOR CAMP CODES; (2) HOUSING FOR SINGLE MALE WORKERS MUST BE AS GOOD AS THAT REQUIRED FOR MEXICAN NATIONALS BY DEPARTMENT OF LABOR HOUSING STANDARDS. WE URGE ADOPTION OF THE REMAINING PROVISIONS OF SECTION (d), PARTICULARLY SUBSECTION (3), IN THEIR PRESENT FORM.

VI

Subsection (e) of the Secretary's proposals would require State agencies to ascertain that

> ...the employer has offered to provide transportation arrangements for workers (1) not less favorable to the workers than those arrangements prevailing among employers in the area of employment who recruit workers from the area from which the workers are to be obtained; or (2) in the absence of such prevailing practice in the area of employment, not less favorable to the workers than the transportation arrangements which prevail among out-of-State employers who recruit domestic workers from the area of supply, as determined by the State agency in the State requested to supply the workers.

Transportation is mentioned in existing regulations in the following ways:

> Transportation from the pick-up point to the place of employment, and return, each day (shall be) provided by the employer to any available local workers, in accordance with the common practice of employers in the area (20 OFR, 602.9 (b) (4).)
>
> * * *
>
> Transportation arrangements (shall be) in accordance with appropriate State and Federal Regulations with respect to intrastate and interstate travel regulations pertaining to the movement of agricultural workers (ESM 2536 F).
>
> Employer orders (shall) specify an offer of transportation arrangements which are in accordance with Employment Service policy. (ESM 2536 G).

It will be noted that existing regulations refer to "appropriate State and Federal Regulations ... pertaining to the movement of agricultural workers." In other words, at the present time, employment offices in other States theoretically do not honor interstate clearances from California or Texas which do not offer transportation consonant with the recently enacted laws of those States. The Secretary of Labor's proposed new regulations do not contain this provision, and to this extent must be regarded as weaker than the regulations presently in force. This is particularly true when we consider that one of the "Federal regulations pertaining to the movement of agricultural workers" is the Joint Operating Instruction under which Mexican Nationals are transported. This is another case in which braceros are protected, at least on paper, more adequately than American citizens. We would therefore consider it a regressive step if 20 OFR, 602.9 (b) (4) were removed, for we interpret this existing regulation as extending bracero transportation standards to interstate clearances.

Existing regulations are also stronger than the Secretary's new proposals in that they require the provision of daily transportation from a "pick-up point to the place of employment." The Secretary's proposals make no specific reference to daily transportation arrangements.

In another respect, however, the Secretary's proposals appear to strengthen present regulations. Subsection (2) of the proposals, for the first time, recognizes the fundamental truth that in most cases the "not less favorable" rule of thumb is devoid of meaning. That is to say, in a leading agricultural State such as California, growers simply do not attempt to recruit out-of-area. It is, therefore, meaningless to use "existing practice" as a standard against which to measure future recruitment practices. Proposed Subsection (2), if we read it correctly, creates a new standard for those areas where none exists at the present time. Let us see how it might work in concrete terms. Let us assume that a job order originating in California's San Joaquin County were placed in interstate clearance in Arizona and Oregon. San Joaquin County growers, so far as we have been able to ascertain, have done no interstate recruiting for years (although they have done more bracero recruiting than any other such group in the Western States). "Prevailing arrangements", therefore, are nil. A yardstick which required only that growers offer what other growers were offering would mean that no grower need offer anything. But growers in Washington and Idaho recruit -- and recruit successfully -- in Oregon and Arizona. Among the other attractions of their job offers are advances for transportation. Under the Secretary's proposed new regulations, in order for a job order from California to be honored in Oregon or Arizona, it would presumably have to include an offer of transportation not less favorable than those offers which normally accompany job orders from Washington and Idaho.

It should be noted that since Washington and Idaho growers began seriously to recruit American farm workers, they have been able to survive without the use of a single Mexican National. Perhaps the Secretary of Labor has in mind, in proposing Section 602.9 (e) (2), that growers in other States might discover that they, too, are able to conduct an American business enterprise with an American labor force.

WE OF THE AGRICULTURAL WORKERS ORGANIZING COMMITTEE, AFL-CIO, URGE TWO AMENDMENTS TO SECTION (e) OF THE SECRETARY OF LABOR'S PROPOSED REGULATIONS. THE WORDING OF THESE TWO PROVISIONS SHOULD BE APPROXIMATELY AS FOLLOWS: (1) TRANSPORTATION FROM A PICK-UP POINT TO THE PLACE OF EMPLOYMENT, AND RETURN, SHALL BE PROVIDED EACH DAY BY THE EMPLOYER TO AVAILABLE DOMESTIC WORKERS: AND (2) ALL TRANSPORTATION ARRANGEMENTS SHALL BE IN ACCORDANCE WITH STATE AND FEDERAL REGULATIONS REGARDING THE MOVEMENT OF AGRICULTURAL WORKERS.

VII

Section (f) of the Secretary's proposals requires that State agencies ascertain that "other terms and conditions of employment offered are not less favorable than those prevailing in the area of employment for domestic workers for similar work."

The Federal Register presently contains the following regulation. (20 CFR, 602.9 (b) (1)): "The State agency (shall assure) that terms and conditions of employment are not less favorable than those offered by employers who have been successful in recruiting and retaining domestic workers for similar work in the area." (Italics added.)

The Secretary's proposed regulation is much weaker than the regulation already on the books. Let us see how these two regulations would work in practice, assuming each were enforced.

In San Joaquin County, prevailing hourly rates for farm employment are 90¢ to $1.00 per hour, with piece rates set at such levels they rarely exceed this hourly equivalent, and frequently fall below it. There are no family camps. A single man may live in a camp if he wishes, although he will probably be charged $2.25 to $2.50 per day, rather than the $1.75 paid by braceros. If a domestic worker does not care to live in a camp, he may live in town and obtain his farm employment through a shape-up operated on Stockton's Skid Row each morning, between 2:00 and 5:00 a.m., by the area's labor contractors with the assistance of the Farm Placement Service. A given job may last half a day or less.

Under the Secretary's proposals, San Joaquin County growers need offer nothing more than these prevailing terms and conditions of employment in order to have their job orders honored in interstate recruitment efforts. We doubt very much that such job offers would attract anyone from other areas. But, under the law, such job offers would constitute "reasonable efforts" to recruit domestic workers, and when domestic workers were not forthcoming, the growers would become eligible to use alien contract labor. Indeed, cynical growers and their representatives might well welcome this ready-made opportunity for them to engage in spurious recruitment efforts, knowing in advance they were going to fail. Through these means, bracero-using associations could add to their existing store of fraudulent data which purport to prove "Americans won't do farm labor," and "recruitment efforts are money down the drain" -- always pointing, of course, toward the demand for more and more alien contract laborers. We are surprised the Secretary would, through weakening 20 CFR 602.9 (b) (1), encourage this sort of game, particularly after its purposes were revealed so brutally in the course of the Gathings Subcommittee hearings, June, 1958.

If the existing regulation were retained, and if it were seriously enforced by the agencies involved, an entirely new and salutary result would be obtained. There are San Joaquin County growers who have been able to attract and retain domestic workers. But these are growers who eschew the whole unsavory apparatus of single-male camps and Skid Row shape-ups. In the first place, they offer steady employment. If the crop is seasonal, the work is steady at least through the season. In the second place, such growers pay their workers an average of $1.25 per hour. There are no deductions for the dubious services of labor contractors or the dubious perquisites of the boarding camps. While wages such as these are surely modest by comparison with any other American industry, they are sufficient for a modicum of dignity. Men in crews such as these are able to live in town and drive to work in their own automobiles, often on a ride-pool basis.

Terms and conditions such as these should be the standard for interstate recruitment. They are, on paper at least, the standard at the present time. It would be a long step backward if this standard were eliminated through the adoption of the far weaker Section 602.9 (f) in the Secretary's present proposals.

WE OF THE AGRICULTURAL WORKERS ORGANIZING COMMITTEE, AFL-CIO, RECOMMEND THE RETENTION OF EXISTING REGULATION 602.9 (b) (1) WITHOUT CHANGE. WE FURTHER RECOMMEND THAT THE SECRETARY OF LABOR ISSUE INSTRUCTIONS TO ALL STATE AND LOCAL FARM PLACEMENT OFFICES TO IMPLEMENT THIS REGULATION WHICH HAS BEEN IN THE FEDERAL REGISTER SINCE SEPTEMBER 8, 1951.

VIII

In recent weeks, an addition has been made to the Secretary of Labor's proposed new regulations. It reads as follows:

> It is the policy of the United States Employment Service ....to insure insofar as practicable that applicants suitably qualified for job openings are referred to employers and that available information as to the worker's reliability and his past fulfillment of his work contract commitments is taken into account before he is referred. (Italics added.)

There can be no doubt that the italicized material in Section 604.1 (g) was added at the insistence of the Secretary's bracero-users' committee, and such bracero-Congressmen as Teague of California, Gathings of Arkansas, and Poage of Texas. These gentlemen have been at pains for years to demonstrate that American agricultural workers are "unreliable" and that this is a prime reason for the ever increasing dependence of Southwestern growers

upon Mexican Nationals. The truth, of course, is that whatever unreliability may be found in the domestic farm labor force has been created by growers themselves through such demoralizing devices as the bracero program.

transcript of the
In the/1958 hearings of the Gathings Subcommittee, scores of pages of fine print are devoted to the efforts of the aforementioned Congressmen and growers' representatives to depict American farm workers as undesirables, irresponsibles, and bums. It is past time that this shameful effort be exposed for what it is. It is past time that the shabby intent of the proposed amendment to Section 604.1 (g) be laid open to public view.

This grower-sponsored amendment is patently and palpably a last-ditch attempt to nullify everything that is contained in the remainder of the Secretary's proposals.

In the first place, it would bog the United States Employment Service deep down into administrative problems so vexing as to reduce the entire referral process to shambles. It should be understood by all concerned that this grower-sponsored amendment is sui generis. Government employment offices do not maintain records on the job performance of any workers, much less agricultural workers, who, in the disorganized state of the farm labor market, are often referred to a different job every day. Completely aside from the question of whether a government agency should perform management's task of worker evaluation, is the very pragmatic question of whether any government agency could do so, particularly with regard to migratory farm workers.

In the second place, we of the Agricultural Workers Organizing Committee cannot believe the amendment to Section 604.1 (g) was put forward by grower interests in good faith. We are certain they intend it as a weapon to be used against domestic farm workers -- a weapon which will permit the perpetuation and very likely the expansion of foreign contract labor programs. We do not make these charges lightly. We make them only after careful examination of the manner in which growers' groups have contrived "job performance" data in the recent past; we make them only after careful discussions with the types of workers who have been smeared in growers' contrived "job performance" ratings.

Following are a few representative statements by domestic farm workers:

> At approximately four o' clock this morning, we got on a truck with about 25 other men and were taken out to a pear orchard on the other side of Linden. The contractor said the picking would be good. He said we would be able to average 14 to 15 boxes to the tree, and the pay would be 15¢ a box. It sounded pretty good to us. When we got out to the orchard, we found

grass and weeds waist high. It was extremely difficult to move around. The farmer had apparently irrigated the night before, because there was water standing three and four inches deep in many places, and the whole orchard was extremely muddy. This made it even harder to move around, and made it impossible to set a ladder in such a way it would be safe. But that wasn't the worst of it. The pears were ten days to two weeks away from being ready to pick. We were picking by ring-size, and hardly any of the fruit was big enough to pick. I picked an hour, covered two trees in that time, and was only able to find a box and a half of ring-size fruit. I've picked pears for ten years, but I never saw an orchard as bad as that one. Another experienced picker got one box in an hour. So he and I quit and hitch-hiked back into town. I imagine by this time the rest of the crew has quit, too, unless there are some poor birds out there who're really hungry.

Now you can't tell me that grower and contractor didn't know what they were doing. Anybody who knew the first thing about his business could tell just by glancing at that orchard it was nowhere near ready for picking. For one reason or other, they were deliberately getting us out there so we would walk off the job. Probably because they want to use Nationals later in the season.

* * * * *

This morning, we went with a contractor down to the Hughson area to pick peaches. He was paying 17¢ per box. When we got there, we found most of them was "pickles." We wasn't allowed to pick them. We really had to hunt to find the size fruit. I worked a little better than an hour and got three boxes -- 51¢ worth. I believe I did better than anybody else in the orchard. My buddy got two boxes. We gave our boxes to a young couple who were out there who looked like they could use the money. We walked off that job, and hit the white line back to town.

* * * * *

P._____ (a contractor) is a pretty nice guy. He treats his workers fair, and he tries to use just domestics, no Nationals. He told me today that C_____ had come around and given him instructions to make it as tough as possible on the domestics. C_____ wants to use nothing but Nationals the rest of the season. P_____ is in a tough spot. He would like to tell C_____ to go to hell, but C_____ is the boss, after all. P_____ told me that it would be the easiest thing in the world to make every one of his domestics quit. He could "forget" to bring enough boxes; he could "forget" to bring drinking water; he could ride the workers about how fast they were working, or about the quality of tomatoes they were picking. I don't care if you're the best farm worker in the world -- if the boss really wants to make it hard for you, he can do it. I don't care how good you are, he could go through your

boxes and pick out some borderline stuff, and chew your tail about it. Oh, there are a hundred ways. They can get you to quit, if they want to.

It may be wondered, "Why would an agricultural employer deliberately drive qualified domestic workers away?" Although this question might better have been asked eight years ago, before Public Law 78 was enacted, we shall attempt to answer it briefly here. In the first place, literally thousands of growers and contractors are waxing rich from the Mexican National program through loopholes in bracero legislation and through laxity of enforcement. Under the terms of the feeding program alone, every bracero in the State of California represents approximately a dollar a day net profit to someone. There are additional opportunities for profit in check-cashing concessions, camp comissaries, transportation to town, kickbacks from favored merchants, and so forth. In the course of the year, persons involved in the operation of the bracero program profit to the extent of at least $20,000,000, in California alone.

In the second place, and even more importantly, growers prefer Mexican Nationals to domestic workers because of the types of persons braceros are, as opposed to the types of persons American farm workers are -- or may become. Braceros are timid, unlettered, naive, docile. Most of them have been treated all their lives as serfs by various classes of overlords in Mexico.. They are willing to accept this same type of treatment in the United States in their pathetic desire to make a few American dollars. Growers do not have to negotiate with braceros; they do not have to speak their language; they do not have to know their names; they can, and do, repatriate them with or without cause. When a bracero becomes articulate, he becomes a troublemaker. When he becomes a troublemaker, he is placed on a blacklist, and he receives no more contracts, It is a singularly effective method for maintaining "labor peace." It would do credit (or discredit) to the most totalitarian society in the world.

American farm workers have been beaten down over the years, too, but not so severely as the Mexican National. Domestics generally retain some conception of American traditions and American standards, and if their treatment violates these traditions and standards too grievously, they protest.

Perhaps more than anything else, agricultural employers fear what American farm workers may become. They do not fear the bracero, for they know that he is chained within a system which prevents him from becoming anything more than he is. But growers are consciously or unconsciously aware of the strength American farm workers would enjoy if they organized. The traditional means employed by growers to prevent the organization of farm workers have, since 1951, given way to more refined -- and efficacious -- means. These means are contained between the lines of Public Law 78, and they find concrete expression in the types of harrassment illustrated by the three statements quoted above.

If the growers of California and other bracero-using States were genuinely interested in obtaining reliable American workers, they would offer reliable wages and reliable working conditions. They would, among other things, support proposals for strengthening the standards of intrastate and interstate recruitment. Their behavior, of a diametrically contrary cast, forces us to conclude that their professed concern about reliable workers is a sham, and that their sponsorship of Section 604.1 (g) is, in fact, a daring bid for government collaboration in destroying what little remains of the domestic farm labor market.

WE OF THE AGRICULTURAL WORKERS ORGANIZING COMMITTEE, AFL-CIO, URGE THAT THE SECRETARY OF LABOR WITHDRAW, IN ITS ENTIRETY, THE PROPOSED AMENDMENT TO SECTION 604.1 (g) OF THE FEDERAL REGISTER.

IX

In its present form Section 602.9 of the Federal Register includes the following subsection:

> The State agency will compile, maintain, and furnish the Secretary of Labor as requested, and make available to interested individuals, agencies, and the public, current information on prevailing wages paid, wages being offered on orders in the local office, and wages being offered for employment for which orders are not on file in the local office, and information on labor demand and labor supply. The State agency shall publish such information as is necessary in connection with the recruitment of labor for agriculture.

The Secretary's new proposals contain no mention of this subject. We consider this ommission unfortunate. We think it very important, for example, that "interested individuals" be able to obtain information concerning the wages and conditions being offered on job orders honored by public employment offices. Such information would certainly be helpful to the individuals concerned. In addition, we believe such individuals could often be of considerable assistance to the public employment offices by supplementing the information already on file.

WE OF THE AGRICULTURAL WORKERS ORGANIZING COMMITTEE, AFL-CIO, RECOMMEND THE AMENDMENT OF THE SECRETARY'S PROPOSED NEW REGULATIONS BY THE ADDITION OF A SECTION TO READ APPROXIMATELY AS FOLLOWS:

"THE STATE AGENCY SHALL COMPILE, MAINTAIN, AND PUBLISH SUCH INFORMATION AS IS NECESSARY IN CONNECTION WITH THE RECRUITMENT OF AGRICULTURAL LABOR. THE STATE AGENCY SHALL FURNISH THE SECRETARY OF LABOR SUCH INFORMATION ROUTINELY, AND SHALL FURNISH SUCH INFORMATION UPON REQUEST TO INTERESTED INDIVIDUALS, AGENCIES, AND THE PUBLIC. SUCH INFORMATION SHALL INCLUDE, BUT SHALL NOT

NECESSARILY BE LIMITED TO, CURRENT WAGES BEING PAID, WAGES AND WORKING CONDITIONS OFFERED ON ORDERS IN LOCAL OFFICES, WAGES AND WORKING CONDITIONS OFFERED IN EMPLOYMENT FOR WHICH ORDERS ARE NOT ON FILE IN LOCAL OFFICES, INFORMATION ON LABOR DEMAND AND LABOR SUPPLY, WAGES AND WORKING CONDITIONS OFFERED FOREIGN CONTRACT WORKERS, AND THE NUMBER OF FOREIGN CONTRACT WORKERS CERTIFIED AND THE NUMBER OF FOREIGN CONTRACT WORKERS WORKING -- CLASSIFIED BY AREA, CROP-ACTIVITY, LENGTH OF CERTIFICATION OR EMPLOYMENT, AND EMPLOYER."

X

The Secretary's proposed regulations omit another point which we of the Agricultural Workers Organizing Committee consider very important. Nowhere is there any mention of the grower's responsibility to undertake recruitment efforts on his own behalf. We take vigorous exception to the philosophy which currently pervades agricultural recruitment efforts: the philosophy that it is the responsibility of government to provide agricultural employers with their labor. No other industry in this nation operates on such a basis, and we think it long past time for the withdrawal of this type of agricultural subsidy, for which we, and other taxpayers, are paying the bills.

As the regulations now stand, a grower fulfills his recruitment obligations simply by filing a job order with the nearest farm labor office. The tiny advertisements which are inserted occasionally in local newspapers apparently originate with bracero-users' associations, are merely token gestures, and cannot in any sense be considered recruitment efforts in good faith.

If this loophole remains unplugged, the Secretary's proposals will add little if anything to the present hypocrisy through which growers are certified for Nationals after "reasonable efforts" which have usually never been made, and if made at all are made by government agencies which cannot and should not bear the major part of this burden.

Southwestern growers have shown themselves to be entirely prepared to recruit Mexican Nationals from 1,000 miles away or more. Members of the San Joaquin Farm Production Association, for example, pay for the the transportation of braceros from Empalme, Mexico, to Stockton, California and return. The cost is approximately $35 per worker, not including the costs of association membership, the costs of sending an Association representative to El Centro to select workers, and so forth.

We are unable to see how the "reasonable (recruitment) efforts" mentioned in Public Law 78 could require anything less of growers in

locating and attracting domestic farm workers. It seems entirely reasonable to expect that growers in San Joaquin County shall recruit domestics within a radius equivalent to the distance from Stockton, to Empalme, and shall be prepared to spend for each domestic recruited an amount of money comparable to that spent in the recruitment of Mexican Nationals.

WE OF THE AGRICULTURAL WORKERS ORGANIZING COMMITTEE, AFL-CIO, RECOMMEND THE AMENDMENT OF THE SECRETARY'S PROPOSED NEW REGULATIONS BY THE ADDITION OF A SECTION TO READ APPROXIMATELY AS FOLLOWS:

"NO ORDER . . . SHALL BE PLACED INTO INTERSTATE CLEARANCE UNLESS THERE ARE ASSURANCES FROM THE STATE AGENCY THAT:

"(A) THE STATE AGENCY HAS ASCERTAINED THAT THE EMPLOYER OR GROUP OF EMPLOYERS WITH WHOM THE ORDER ORIGINATED HAS ATTEMPTED AND IS ATTEMPTING TO ATTRACT AND RETAIN DOMESTIC AGRICULTURAL WORKERS. THESE EFFORTS SHALL INCLUDE, BUT SHALL NOT NECESSARILY BE LIMITED TO (1) DAY HAULS; (2) YOUTH PROGRAMS; AND (3) NEWSPAPER AND RADIO STORIES AND ADVERTISEMENTS.

"(B) EMPLOYER OR GROUPS OF EMPLOYERS WITH WHOM THE ORDER ORIGINATED ARE PREPARED TO SEND REPRESENTATIVES OUT-OF-AREA TO INTERVIEW JOB APPLICANTS, WITHIN A RADIUS AT LEAST AS GREAT AS THE DISTANCE FROM THE AREA OF EMPLOYMENT TO THE NEAREST MIGRATORY STATION IN THE REPUBLIC OF MEXICO."

XI

We should like, at this point, to raise a question which is implicit, in several of our previous remarks: On what grounds are American farm labor standards pegged, in many respects, at a lower level than those of alien contract laborers?

Common sense and common justice require that American workers enjoy benefits at least equivalent to those of Mexican peasants, and what is more, this is required in the very law under which growers import their Mexican peasants. Section 503 (3) of Public Law 78 requires "reasonable efforts ... to attract domestic agricultural workers ... at wages and standard hours of work comparable to those offered to foreign workers." (Italics added)

This would seem as unequivocal as any law can be. Interstate clearancees should clearly offer the 90-10 formula we discussed in an earlier section. They should clearly offer a guarantee of three-fourths time employment to any worker who stays on the job throughout

the season. They should offer the same provisions for payment of wages enjoyed by braceros: payment by check; not less often than biweekly; deductions to be itemized. They should offer the same provision as Article 5 of the Standard Work Contract: "The employer shall furnish... all the tools, supplies or equipment required..." They should offer insurance benefits comprable to those which are enjoyed by Mexican Nationals. All these things must be regarded as a part of wages. Indeed, they are considered such, on the record, by growers themselves. (See, e.g., Hearings before a Subcommittee of the House of Representatives Committee on Education and Labor, on H.R. 4575 and related bills. Washington, D. C., U. S. Government Printing Office, 1957, p. 2834.)

We are told that the Department of Labor cannot require such guarantees in interstate clearances because of a certain "legislative history," the details of which are somewhat vague. The details do not matter. We challenge the counsel who opined that any "legislative history" had removed from the Secretary of Labor his duty to act under Section 503 (3) of Public Law 78.

WE OF THE AGRICULTURAL WORKERS ORGANIZING COMMITTEE, AFL-CIO, RECOMMEND THAT THE SECRETARY OF LABOR'S PROPOSED REGULATIONS BE AMENDED TO INCLUDE THE FOLLOWING PROVISION:

NO ORDER FOR RECRUITMENT OF AGRICULTURAL WORKERS SHALL BE PLACED INTO INTERSTATE CLEARANCE UNLESS THE STATE AGENCY HAS ESTABLISHED THAT THE JOB ORDER OFFERS STANDARD HOURS OF WORK AND OTHER JOB BENEFITS COMPARABLE TO THOSE OFFERED MEXICAN CONTRACT WORKERS.

XII

The difficulties in maintaining standards in the employment of domestic farm workers are compounded by the nature of the administrative structure involved. We understand that all the funds for the operations of California's public employment offices -- including the Farm Placement Service -- come from the U. S. Department of Labor. One would suppose that the U.S. Department of Labor would therefore be entitled to guide the operations of the California Farm Placement Service, to some considerable extent. In practice, this State's Farm Placement Service, and, we assume, those of other States, enjoy a great deal of autonomy -- when it suits their purposes.

Until very recently, the Service in California exercised its autonomy to the detriment of domestic farm workers. This is not merely the considered opinion of the Agricultural Workers Organizing Committee, but the considered opinion of John E. Carr, who directed the California Department of Employment from January to September, 1959.

There are many domestic farm workers who are ready, willing and able to comply with conditions under which they have a prior right to jobs being held by Mexican Nationals in California, but who never get a chance to exercise that right. They not only don't get a chance, but they are deliberately horned off by people in our department whose duty it is to assure them of their prior rights."

At the same time, interestingly enough, when it suits the purposes of the State agencies, they exercise -- or claim to exercise -- no autonomy whatever. Representatives of the AWOC recently asked an official of the California Farm Placement Service for his working definition of "reasonable efforts," and "adverse effect" -- two key phrases from Public Law 78. This gentleman replied, "We have never had a working definition. We would have to wait for something from Washington on that."

We of the AWOC must regard this as disingenuous in the extreme. We would point to the State of Washington, in which a Chief of Farm Placement, with the backing of the Regional Director of Employment Security, evolved working definitions of "reasonable efforts" and "adverse effect" which have helped make farm working conditions in his area the best in the country.

Something must be done within the U. S. Employment Service to restore the rule of law rather than of men. It should be made impossible for a public servant in a State such as California to twist Public Law 78 in the way it has been twisted, and to ignore it in the way it has been ignored. It should be made impossible for a public servant in California to plead powerlessness when a public servant in Washington State has demonstrated concretely that much can be done.

We suppose that under the Wagner-Peyser Act, certain of the details of the administration of public employment offices must be left to the States. At the same time, the Secretary of Labor undeniably has the authority to promulgate the major policies under which these offices function.

WE OF THE AGRICULTURAL WORKERS ORGANIZING COMMITTEE, AFL-CIO, RECOMMEND THAT AS SOON AS POSSIBLE, THE SECRETARY OF LABOR CLARIFY THE AMBIGUOUS CONCEPTS WHICH GOVERN THE ADMINISTRATION OF THE MEXICAN NATIONAL PROGRAM, THAT THESE BE EMBODIED IN A SET OF EMPLOYMENT SECURITY REGULATIONS, AND THAT SUBVENTIONS BE WITHHELD FROM STATE EMPLOYMENT SERVICES WHICH IGNORE OR EVADE THESE REGULATIONS.

XIII

We fail to understand why the Secretary's standards should be confined to interstate recruitment. Intrastate recruitment cannot properly be regarded as a matter of "state's rights" when it is conducted within the framework of the Mexican National program, and when it is conducted, in every State, by an affiliate of the U. S. Employment Service.

WE OF THE AGRICULTURAL WORKERS ORGANIZING COMMITTEE, AFL-CIO, RECOMMEND THAT THE PROPOSED STANDARDS FOR INTERSTATE RECRUITMENT OF AGRICULTURAL WORKERS BE MADE APPLICABLE TO INTRASTATE CLEARANCE OF JOB ORDERS AS WELL.

XIV

We should like to conclude our analysis of the Secretary's proposed regulations with a few observations which we shall present in expanded outline form.

(1) The Secretary of Labor said, on February 5, apropos of the Mexican National program, "You can't legislate honesty." We suppose that it is equally difficult to legislate a desire to elevate agriculture to the status of an American industry with American standards, values, and aspirations. But it is at least possible to legislate -- or, in the present case, administer existing legislation -- against the destruction of American standards, values, and aspirations in the agricultural industry. No industry is bigger than the conscience of a society. In time, we trust that growers and their representatives will come to recognize that their insistence upon cheap labor and depressed working conditions is no favor to anyone, themselves included. In time, we trust that agriculture will awaken to the truth that elevated conditions are beneficial to everyone in the industry, and opposition to such efforts as the Secretary's recruitment standards will then give way to active support.

(2) In the meanwhile, the Secretary of Labor should not be overly exercised by the reception his proposals have encountered in the American Farm Bureau Federation, bracero-users' associations, and other growers' citadels. We have some inkling of the pressure to which the Secretary has been subjected. We regret that he has seen fit to modify many of his original proposals in the face of this pressure. We respectfully suggest that the following facts should help him stand firm against attacks from selfish interests:

(1) In the present atmosphere, growers, are certain to protest any regulations, however innocuous. The effort to placate them is foredoomed to be a vain one. The regulations which are promulgated should therefore be concerned exclusively with the objective of maintaining

job standards, and should have no part of a popularity contest which cannot possibly be won.

(b) Certain Congressmen and Senators to the contrary notwithstanding, the Secretary of Labor has not only the right, but the obligation, of taking whatever steps he deems necessary to ensure (a) that the Mexican National program does not drag down American standards; and (b) that the U. S. Employment Service and State affiliates are not parties to the deterioration of the American farm labor market.

(c) For every grower who believes (mistakenly) that he stands to gain from stifling the proposed new standards, the Secretary should understand that a hundred Americans, from every walk of life, believe the elevation of agricultural labor is long overdue. The constituency of the Executive Branch, after all, is not 50,000 Southwestern bracero-users but 170,000,000 Americans.

(3) The proper administration of the regulations we are here discussing will require more funds than are currently budgetted to the U. S. Employment Service. The Secretary of Labor should request these funds during the next session of Congress. If the increased funds are denied by a Senate Subcommittee which gives evidence of being grower-dominated, perhaps, through judicious re-allocation of existing funds, the Secretary can still manage to turn more of the emphasis of the U. S. Employment Service to maintenance of standards in intrastate and interstate clearances of farm labor job orders.

(4) We will confess that we find it somewhat difficult to understand the heat which the Secretary's proposals have engendered. Most of them are nothing more than restatements of regulations which have rested in the Federal Register for many years. Several of the Secretary's proposals, if permitted to stand in their present form, would appreciably strengthen recruitment standards; several, if permitted to stand in their present form, would appreciably weaken present standards.

(5) We of the Agricultural Workers Organizing Committee believe that the recommendations advanced, passim, throughout this paper, are required if the Secretary's proposed regulations are to succeed in their announced purpose of saving the American farm labor market from further deterioration.

(6) In our view, however, even more important than the precise language of the Secretary's proposals, and even more important than the recommendations we have made for the strengthening of those proposals, is the spirit in which the Secretary has put forth the new regulations. If it has become the intention of the Department of Labor to reverse the untoward tendencies in farm labor practices of the past eight years, there is much that the Department can accomplish, whether under present regulations,

under the Secretary's proposals, or under the proposals we have advanced in the course of this analysis. If, on the other hand, the Department is prepared to yield to pressure from growers, or if the Secretary's worthy intentions are subverted somewhere between Washington, D. C., and local Farm Placement Offices, then no regulations, whether old or new, can deflect the present drift toward destruction of the American farm labor market.

We of the Agricultural Workers Organizing Committee, AFL-CIO, believe that the Secretary of Labor of the United States sincerely desires to preserve and to strengthen the job standards of American farm workers. We believe that the Secretary of Labor, backed by millions of Americans, is prepared to stand firm against the onslaughts of selfish men who would destroy those standards. We trust that the Secretary's vision and strength of purpose can be communicated to others involved in the recruitment and placement of domestic farm workers, and the administration of foreign contract labor programs. We hope to work with the Secretary, and his assistants at every level, in the common effort to shore up farm labor standards.

We are confident it is not too late in the day to salvage the integrity and honor of the nation's largest and most important industry.

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